

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Knight and Ravilious
Date: Thursday, 5 September 2024
Time: 10.00 am
Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

4. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

- 5. The Determination of Section 52(2) Application by Lesley Cooke, Licensing Manager for the Licensing Authority, City of York Council for Review of a Premises Licence in respect of Slavic Foods, 47A Crichton Avenue, York, YO30 6EF (CYC-069000) (Pages 9 – 215)**

Democratic Services Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - a.bielby@york.gov.uk

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

Alternative formats

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REVIEW HEARINGS

Introduction

The procedure adopted at the Licensing Review Hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.

The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially.. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant for the Review, and the Licence Holder(s) are permitted to speak at the hearing. Ward Councillors, Responsible Authorities and Representors who have made written submissions during the consultation period will also be allowed to speak. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing, and each party will have the same amount of time in which to address the Sub-Committee. **Each party will have 15 minutes to address the Sub-Committee and call any witnesses.**

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, submitted either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant for the Review, the Licence Holder(s) and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant for the Review, the Licence Holder(s) and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

The Applicant for the Review or any Representor **may not** introduce any new ground or objection not referred to in the written submission. Amplification of the original representation may be made but any additional or new representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer will outline the application, confirm the application details, introduce the report and give an update on any recent changes.
7. The Chair will invite all present, one by one to ask the Licensing Officer questions if they wish to clarify any points raised in the report.
8. The Chair will invite the Applicant for the Review (or their representative) to address the Sub-Committee and present information in support of the application and call any witnesses to support the application, one witness at a time *[maximum 15 minutes]*.
9. The Chair will invite the Licence Holder(s) and Representors (or their representative) and Sub-Committee in the following order to ask questions of the Applicant for the Review (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties in support of the Review
 - (iv) Interested Parties opposing the Review
 - (v) Licence Holder(s)
 - (vi) Sub-Committee
10. .

11. The Chair will invite the Representors in support of the Applicant's Review (or their representative) in the following order to address the Sub-Committee and call any witnesses to support of their representation *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
12. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors opposing the review to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
13. The Chair will invite the Committee Members to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation.
14. The Chair will invite the Licence Holder(s) (or their representative) to present their case and call any witnesses to support their case *[maximum 15 minutes]*.
15. The Chair will invite the Applicant for the Review and Representors (or their representative) in the following order to ask questions of the Licence Holder(s) (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Applicant for the Review
 - (ii) Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties in support of the Review
 - (v) Interested Parties opposing the Review
16. The Chair will invite the Representors opposing the Review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties

17. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors in support of the review to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
18. The Chair will invite the Sub-Committee Members to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation.
19. The Chair will invite the Applicant for the Review (or their representative) to summarise their case [*maximum 5 minutes*].
20. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties opposing the Review
 - (iv) Interested Parties in support of the Review
21. The Chair will invite the Licence Holder (or their representative) to summarise their case [*maximum 5 minutes*].
22. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.
23. When all the evidence has been heard, the Sub-Committee will withdraw to consider the application. Before withdrawing, the panel will confirm how the decision will be provided (see below).

Procedure after the Hearing

24. If the Sub-Committee wish to seek further clarification from any particular party, the Democracy Officer will recall all parties back into the committee room for the questions to be asked.
25. If possible, and always in the case of a Review of a premises licence following a Closure Order, the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the

Legal Advisor to the Sub-Committee will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

26. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision. This decision will then be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the hearing. There can be no further questions or statements.
27. If the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the decision being made.
28. The notification will include information about the rights of appeal against the determination made.


Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

	
Meeting of Licensing Act 2003 Sub-Committee	5 September 2024
Report from the Director for the Environment, Transport and Planning	

Section 52(2) Review of Premises Licence CYC/069000 Slavic Foods, 47A Crichton Avenue, York YO30 6EF

Summary

1. This report seeks Members determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of Slavic Foods, 47A Crichton Avenue, York YO30 6EF, premises licence number CYC/069000.
2. Name of applicant: Lesley Cooke, Licensing Manager, for the Licensing Authority at the City of York Council
3. Summary of Review: The application to review the premises licence relates to the following licensing objectives.
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
4. A copy of the application for review is attached at Annex 1, alongside several statements and exhibits. It is summarised as follows:

This premises has been licensed by the City of York Council since August 2021 to supply the sale of alcohol for consumption off the premises.

The current premises licence holder has held the licence since December 2023, however he confirmed to North Yorkshire Police that he took over the operation of the premises in January 2022.

On 4 December 2023 Trading Standards Enforcement Officers from City of York Council, alongside North Yorkshire Police visited the premises following the receipt of intelligence that illicit tobacco and vapes were being sold. During this initial visit 242 illicit tobacco products and 147 illicit vapes were found and seized. During this visit North Yorkshire Police also removed one male from the premises who did not have the right to work in the UK.

On 14 December 2023 Trading Standards Officers, Licensing Enforcement Officers and North Yorkshire Police Officers returned to the premises to carry out a full licensing inspection in accordance with Section 179 of the Licensing Act 2003. During this visit further illicit vapes were seized. The Officers spoke with the only member of staff present who confirmed she did not know the names of the premises licence holder or the Designated Premises Supervisor (DPS). During this visit several licensing breaches were identified.

Following the visit on 14 December 2023 the Licensing Authority received applications to transfer the licence and vary the DPS.

On 22 February 2024 Licensing Officers from the City of York Council and North Yorkshire Police did a further visit to the premises. One member of staff was present, he refused to give his details and was arrested under suspicion of illegal entry to the UK under the Immigration Act 1971. Further breaches of the premises licence were identified during this visit.

The DPS was interviewed over the licensing offences, which she admitted. She received a simple caution for these offences.

On 26 March 2024 a further visit was undertaken at the premises, two further breaches of the premises licence were identified.

An ongoing investigation by Trading Standards is pending in respect of the sale of illicit tobacco and vapes.

5. A copy of the current premises licence and plan is attached at Annex 2. The premises licence currently authorises the following:

Licensable Activity	Current Days & Hours
----------------------------	---------------------------------

Supply of alcohol (off the premises)	08:00 to 23:00 Monday to Sunday
Opening Hours	06:00 to 23:00 Monday to Sunday

Consultation

6. Consultation was carried out by the Applicant and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at the West Offices and on the Councils website.
7. A further representation was received from North Yorkshire Police; it appears at Annex 3.
8. A map showing the location of the premises is attached at Annex 4.

Other Relevant Information

9. The premises licence was first granted in August 2021, it was transferred to the current licence holder in December 2023. It was described in the original application as a ground floor shop premises.

Options

10. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
11. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).

12. Option 2: To exclude a licensable activity from the scope of the licence.
13. Option 3: To remove the Designated Premises Supervisor.
14. Option 4: To suspend the licence for a period not exceeding three months.
15. Option 5: To revoke the licence.

Where the Sub-Committee takes a step mentioned in Option 1 or Option 2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Otherwise, the modification of conditions or the exclusion of a licensable activity will be permanent.

In deciding which, if any, of these steps to take, the Sub-Committee should direct its mind to the cause or causes of the concerns which the application and representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

The Sub-Committee may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

Analysis

16. The following could be the result of any decision made by this Sub-Committee:
17. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
18. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.

19. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
20. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
21. Option 5: This decision could be appealed by the premises licence holder.

The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

22. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

Council Priorities

23. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
24. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications for review the Council are supporting the licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

25.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A

- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

26. All Members of the Licensing Act 2003 Committee have received full training on the Act and the Regulations governing hearings. They are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation, and potential financial penalty.
27. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

28. Members determine the application.

Reason: To address the application for review received as required by the Licensing Act 2003.

Contact Details

Author:	Chief Officer Responsible for the report:		
Helen Sefton Senior Licensing Officer Ext 1526	Director of Environment, Transport and Planning James Gilchrist		
Report Approved	√	Date	13.08.2024

Wards Affected: Clifton Ward

Annexes

Annex 1 - Copy of application for review of premises licence, plus appendices

Annex 2 - Copy of premises licence, including layout plan

Annex 3 – Representation by North Yorkshire Police

Annex 4 - Map showing location of premises

Annex 5 - Legislation and Policy Considerations



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Lesley Cooke of Public Protection (insert name(s) of applicant) apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordinance survey map reference or description

Slavic Foods
47A Crichton Avenue

Post town: York

Post code: YO30 6EF

Name of premises licence holder or club holding club premises certificate (if known)

Mr Aziz Hossainzada

Number of premises licence or club premises certificate (if known)

CYC - 069000

Part 2 – Applicant details

- | I am | Please tick ✓ yes |
|--|-------------------------------------|
| 1 An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over

Please tick ✓ Yes

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name

Address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name: Public Protection – Lesley Cooke, Licensing Manager
Address: Public Protection City of York Council Eco Depot Hazel Court York, YO10 3DS
Telephone number (if any): 01904 552422
E-mail (optional):

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|---|
| 1. | the prevention of crime and disorder | ✓ |
| 2. | public safety | ✓ |
| 3. | the prevention of public nuisance | ✓ |
| 4. | the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 1)

I make this application on behalf of the Licensing Authority, City of York Council (CYC), who wish to seek a review of the above premises licence as the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

have been undermined on several occasions.

Mr Hossainzada has been the premises licence holder since 15 December 2023, he confirmed to the police that he took over the operation of the premises in January 2022, as detailed in PC Samantha Bolland's Statement at Annex 2.

On 4 December 2023 CYC Trading Standards Enforcement Officers and North Yorkshire Police Officers (NYP) visited this premises following the receipt of intelligence that illicit tobacco and vapes were on sale. During the visit Officers seized 242 illicit tobacco produces and 147 illicit vapes.

During this visit NYP Officers also removed the lone male, identified as working in the premises as he did not have the right to work in this country.

NYP Officers also tried to contact the person named on the premises licence as licence holder and designated premises supervisor (DPS) without success.

On 14 December 2023 CYC Trading Standards Enforcement Officers, CYC Licensing Officers and NYP Licensing Officers did a further visit to this premises, to undertake a Section 179 licensing inspection under the Licensing Act 2003 (2003 Act). During the visit a quantity of illicit vapes were seized. Alcohol was displayed within the premises. The lone female, identified as '...', working in the premises could not confirm the details of the licence holder or the DPS.

During the inspection several breaches of the premises licence and the 2003 Act were identified, these are detailed in Jemma Kettlestring's statement at Annex 1.

Following this visit applications were received by the licensing authority to transfer the premises licence and vary the DPS.

On 22 February 2024 CYC and NYP Licensing Officers did a further visit to the premises, to undertake a Section 179 licensing inspection. A lone male was working at the premises, he refused to supply his information to Officers, due to this additional NYP resources were requested to attend the premises. As the male refused to provide his information to NYP Officers he was arrested under suspicion of illegal entry under the Immigration Act 1971. It was ascertained that the male was, [redacted]. As detailed in PC Samantha Bolland's statement at Annex 2.

During this visit the DPS, [redacted] arrived at the premises, the Section 179 licensing inspection was undertaken. Several breaches of the premises licence were identified, these are detailed in Jemma Kettlestring's statement at Annex 1.

Due to the breaches of the premises licence the DPS, [redacted] attended Fulford Road Police Station for an interview. In a pre-prepared written statement, she admitted the offences, she was issued a simple caution for Section 136, of the 2003 Act, offence of 'unauthorised licensable activities' which had take place at 47a Crichton Avenue, York, for which she was the DPS. [redacted] accepted the simple caution.

On 26 March 2024 CYC and NYP Licensing Officers, along with Home Office Immigration Officers did a further visit to the premises, to undertake a Section 179 licensing inspection. [redacted] was working at the premises. Two breaches of the premises licence were identified, these are detailed in Jemma Kettlestring's statement at Annex 1.

Due to the illicit tobacco and vapes, the failure to transfer the premises licence and vary the DPS, and the breaches of the premises licence and 2003 Act, I would ask that the premises licence is revoked.

Please provide as much information as possible to support the application (please read guidance note 2)

Trading Standards Enforcement Officers are in the process of taking legal action (prosecution) against Mr Hossainzada with regards to the illicit tobacco and vapes.

Two statements and five exhibits from Jemma Kettlestring, Licensing Enforcement Officer are attached at Annex 1.

A statement and three exhibits from PC Samantha Bolland, NYP Licensing Officer are attached at Annex 2.

A statement from Glyn Jones, Immigration Officer at the Home Office is attached at Annex 3.

Please tick ✓ yes

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓

- I understand that if I do not comply with the above requirements my application will be rejected ✓
- **IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note5). **If signing on behalf of the applicant please state in what capacity.**

Signature:

Date: 12 July 2024

Capacity: Licensing Manager

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Victoria Waudby Legal Services City Of York Council Station Rise	
Post town: York	Post code: YO1 6GA
Telephone number (if any): 01904 554350	
If you would prefer us to correspond with you by e-mail your e-mail address (optional): victoria.waudby@york.gov.uk	

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

City Of York Council
Jemma Kettlestring
Exhibit Ref: JK/1
27 June 2024

EXHIBIT

This is the **Exhibit JK/1** referred to in the statement of Jemma Kettlestring, dated 27 June 2024.



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Premises licence number
CYC - 069000

Part 1 Premises details

Postal address of premises:

**Slavic Foods
47A Crichton Avenue**

Post town: York

Post code: YO30 6EF

Telephone number: 07475 582245

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

SUPPLY OF ALCOHOL

**Monday
08:00 - 23:00**

**Tuesday
08:00 - 23:00**

**Wednesday
08:00 - 23:00**

**Thursday
08:00 - 23:00**

**Friday
08:00 - 23:00**

**Saturday
08:00 - 23:00**

**Sunday
08:00 - 23:00**

The Opening Hours of the Premises

Monday 06:00 - 23:00	Tuesday 06:00 - 23:00	Wednesday 06:00 - 23:00	Thursday 06:00 - 23:00
Friday 06:00 - 23:00	Saturday 06:00 - 23:00	Sunday 06:00 - 23:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Name: Mr Aziz Hossainzada

Address: 24 Newcomen Green
Middlesbrough
TS4 2DP

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Wera Eliza Kalinowska

Address: ()

Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC 070372

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence –
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - a) a holographic mark, or
 - b) an ultraviolet feature.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$
where –
 - i. P is the permitted price,

- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. A documented staff training programme shall be provided to all members of staff in respect of:

- the sale of alcohol
- age verification policy
- conditions attached to the licence
- permitted licensable activities
- the licensing objectives
- opening times of the venue.

These records will be kept for a minimum of a year and will be made available upon request by any responsible authority.

2. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include areas to where public have access.

- It will be maintained, working and recording at all times when the premises are open.
- The recordings should be of good evidential quality to be produced in court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to data protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to data protection requirements.
- Copies of the recordings will display the correct time and date of the recording.

3. Alcoholic drinks purchased in the premises may only be taken off the premises in sealed containers.

4. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti- social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

5. Clear and legible signage will be displayed asking customers to respect residents when leaving the premises, and to leave the premises and area quietly.

6. The premises shall be cleared of customers and closed by the end of opening hours.

7. Clear and legible signage relating to acceptable proof of age identification will be prominently displayed on the premises.

8. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

Annex 3 – Conditions attached after a hearing by the licensing authority

No hearing held

Annex 4 – Approved Plan

Plan Number: Signed and dated August 2021

For and on behalf of
The Corporate Director of Place

Date: 14 August 2021
15 December 2023 (Transfer & DPS Variation)

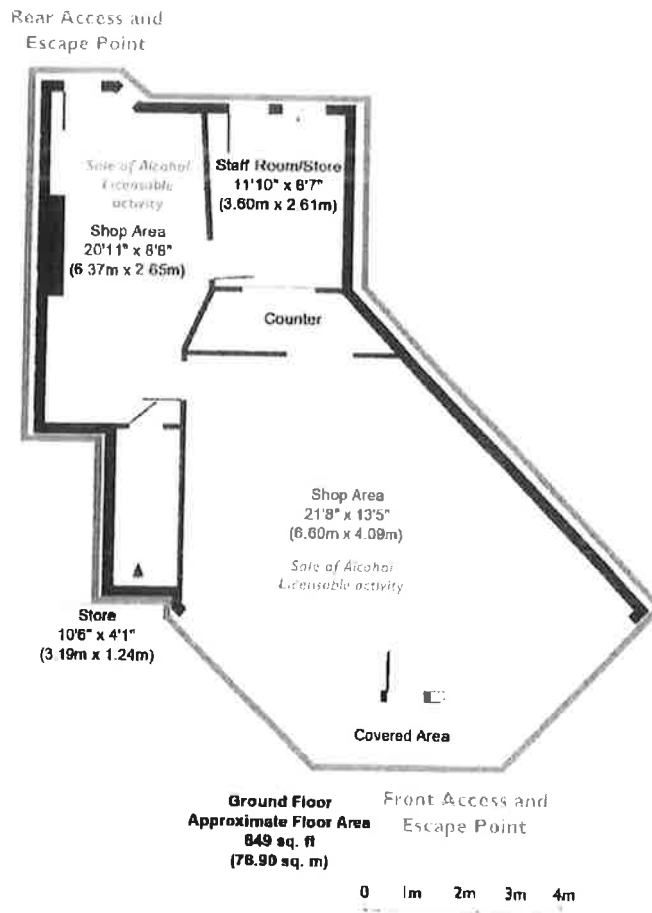
Licensing Services
Hazel Court EcoDepot
James Street
York YO10 3DS

Phone: 01904 552422
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



47a Crichton Avenue
Clifton, York, North Yorkshire, YO30 6EF

- The premises will be used for the sale of Alcohol as identified on the above plan
- No alcohol will be consumed on the premises, just sold from the premises
- No fixed structures will obscure the access points. Counter area is set to the centre of the shop with fitted and free-standing racking set within the shop areas
- No raised floors, stairs elevators or lifts within the premises
- No public toilet. Staff toilet located in an outbuilding to the rear of the premises
- Kitchenette set to the rear of shop with sink and fitted base units.
- Two smoke alarms located in Shop Areas



Scale 1:100

City Of York Council
Jemma Kettlestring
Exhibit Ref: JK/2
27 June 2024

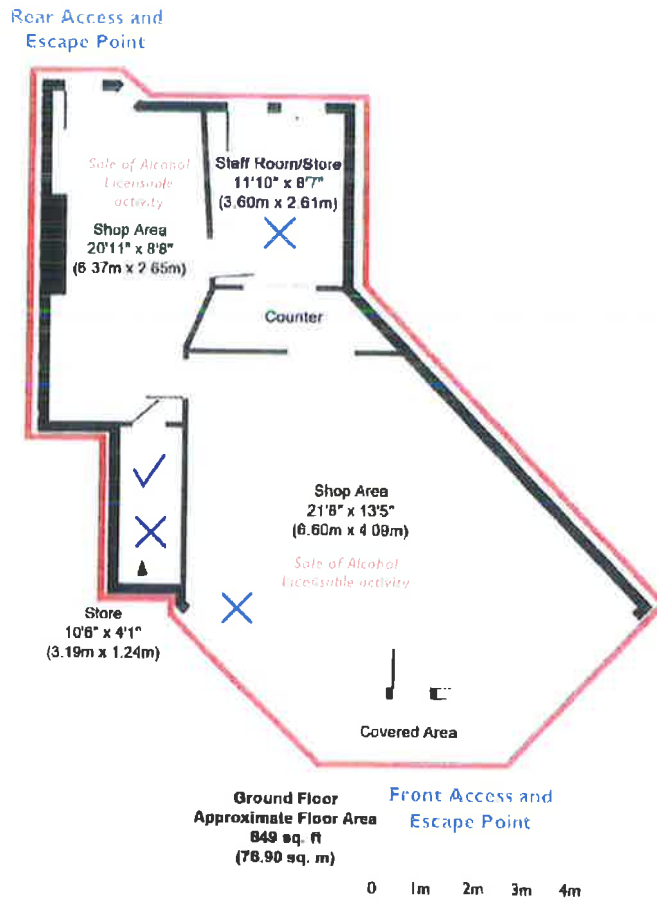
EXHIBIT

This is the **Exhibit JK/2** referred to in the statement of Jemma Kettlestring, dated 27 June 2024.



47a Crichton Avenue
Clifton, York, North Yorkshire, YO30 6EF

- The premises will be used for the sale of Alcohol as identified on the above plan
- No alcohol will be consumed on the premises, just sold from the premises
- No fixed structures will obscure the access points. Counter area is set to the centre of the shop with fitted and free-standing racking set within the shop areas
- No raised floors, stairs elevators or lifts within the premises
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- Two smoke alarms located in Shop Areas



Scale 1:100

City Of York Council
Jemma Kettlestring
Exhibit Ref: JK/3
27 June 2024

EXHIBIT

This is the **Exhibit JK/3** referred to in the statement of Jemma Kettlestring, dated 27 June 2024.











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EVIDE

Item	11 1111
Brand	
Date	
Location	
Product	50 GOLDEN
Date	A HAND KOLM
Manufacturer	AMERICAN TOBACCO CO
Lot Number	1021 1020
Quantity	1000
Weight	400g
Volume	100ml
Temperature	20°C
Humidity	50%
Other	

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recovery systems

 HAYATI[®]
ELECTRICK



PRO MAX

4000+ PUFFS

BANANA ICE

**This product
contains nicotine
which is a
highly addictive
substance**



RANDM
TORNADO **9000**



**STRAWBERRY
RASPBERRY CHERRY ICE**

WARNING:

This product
contains nicotine.
Nicotine is an
addictive chemical.



RAMM
TORNADO **LOUDES**



BANANA ICE



Type-C Port Adjustable Airflow

WARNING:
This product
contains nicotine.
Nicotine is an
addictive chemical.

DISPOSABLE DEVICE

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California's Disposable Device Program is designed to encourage the use of disposable devices.

DISPOSABLES

Disposable Paper Plates

Disposable Paper Cups

Disposable Napkins

CALIFORNIA COMPOSITION AND WARNING

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Manufactured by: **Technique Co., Inc.**
2000 E. Highway 101, Suite 100
San Jose, CA 95128
Tel: (408) 291-1111

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Robert and Cheryl

10/15/2023 10:00 AM




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City Of York Council
Jemma Kettlestring
Exhibit Ref: JK/4
27 June 2024

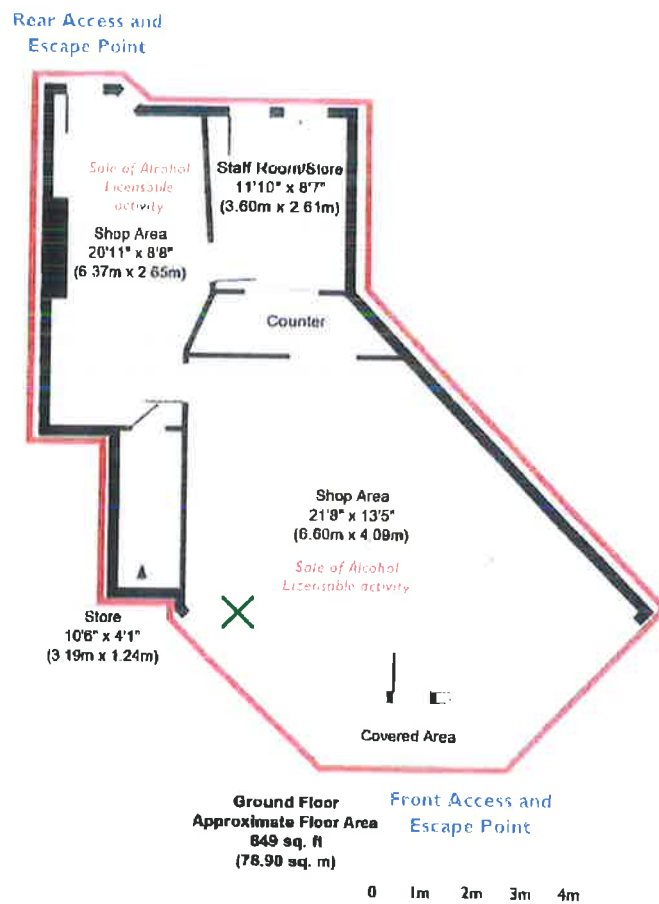
EXHIBIT

This is the **Exhibit JK/4** referred to in the statement of Jemma Kettlestring, dated 27 June 2024.



47a Crichton Avenue
Clifton, York, North Yorkshire, YO30 6EF

- The premises will be used for the sale of Alcohol as identified on the above plan
- No alcohol will be consumed on the premises, just sold from the premises
- No fixed structures will obscure the access points. Counter area is set to the centre of the shop with fitted and free-standing racking set within the shop areas
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- No public toilet. Staff toilet located in an outbuilding to the rear of the premises
- Kitchenette set to the rear of shop with sink and fitted base units.
- Two smoke alarms located in Shop Areas



Scale 1:100

City Of York Council
Jemma Kettlestring
Exhibit Ref: JK/5
9 July 2024

EXHIBIT

This is the **Exhibit JK/5** referred to in the statement of Jemma Kettlestring, dated 9 July 2024.

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Aziz HOSSAINZADA

Filter appointments

Current appointments

Apply filter

Total number of appointments 1

Date of birth

March 1998

SLAVIC FOODS (YORK) LTD (13425738)

Company status **Active**

Correspondence address **47a, Crichton Avenue, York, England, YO30 6EF**

Role Active **Director**

Appointed on **20 January 2022**

Nationality **Iranian**

Country of residence **England**

Occupation **Director**

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SLAVIC FOODS (YORK) LTD

Company number **13425738**

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Registered office address

47a Crichton Avenue, York, England, YO30 6EF

Company status

Active

Company type

Private limited Company

Incorporated on

27 May 2021

Accounts

Next accounts made up to **31 May 2024**
due by **28 February 2025**

Last accounts made up to **31 May 2023**

Confirmation statement

Next statement date **27 January 2025**
due by **10 February 2025**

Last statement dated **27 January 2024**

Nature of business (SIC)

- 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

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02 Feb 2024	CS01	Confirmation statement made on 27 January 2024 with no updates	(3 pages)
28 Jan 2023	CS01	Confirmation statement made on 27 January 2023 with no updates	(3 pages)

19 Nov 2022	AA	Micro company accounts made up to 31 May 2022	(3 pages)	Download XBRL (/company/13425738/filing-history/MzM1OTExNTM3OGFkaXF6a2N4/document?format=xhtml&download=1)
27 Jan 2022	CS01	Confirmation statement made on 27 January 2022 with updates	(4 pages)	
27 Jan 2022	PSC07	Cessation of Akwan Saih Hussain Irani as a person with significant control on 20 January 2022	(1 page)	
27 Jan 2022	TM01	Termination of appointment of Akwan Saih Hussain Irani as a director on 20 January 2022	(1 page)	
27 Jan 2022	PSC01	Notification of Aziz Hossainzada as a person with significant control on 20 January 2022	(2 pages)	
27 Jan 2022	AP01	Appointment of Mr Aziz Hossainzada as a director on 20 January 2022	(2 pages)	
22 Jun 2021	CH01	Director's details changed for Mr Akwan Saih Hussain Irani on 1 June 2021	(2 pages)	
22 Jun 2021	PSC04	Change of details for Mr Akwan Saih Hussain Irani as a person with significant control on 1 June 2021	(2 pages)	
27 May 2021	NEWINC	Incorporation Statement of capital on 2021-05-27	(10 pages)	<ul style="list-style-type: none"> • GBP 100 • MODEL ARTICLES - Model articles adopted

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Filter officers

Current officers

Apply filter

2 officers / 1 resignation

HOSSAINZADA, Aziz

Correspondence address **47a, Crichton Avenue, York, England, YO30 6EF**

Role Active **Director**

Date of birth **March 1998**

Appointed on **20 January 2022**

Nationality **Iranian**

Country of residence **England**

Occupation **Director**

IRANI, Akwan Saih Hussain

Correspondence address **47a, Crichton Avenue, York, England, YO30 6EF**

Role Resigned **Director**

Date of birth **January 1988**

Appointed on **27 May 2021**

Resigned on **20 January 2022**

Nationality **Iranian**

Country of residence **England**

Occupation **Director**

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Jemma Kettlestring
Statement for City of York Council
Date: 27 June 2024

WITNESS STATEMENT OF JEMMA KETTLESTRING

1. I, Jemma Kettlestring, am a Licensing Enforcement Officer employed by the City of York Council.

2. In this statement I set out my knowledge of Aziz HOSSAINZADA, Akwan IRANI, Mohammed Hassan FAZIL and the Slavic Food business which occupies premises at 47a Crichton Avenue in York.

3. I make this statement based upon the records held by the Council. The information provided in this witness statement is within my own knowledge unless expressly stated otherwise.

4. I produce a copy of the premises licence and plan currently in force for this premises as exhibit JK/1.

4 December 2023 Visit

4. I have been informed by City of York Council Trading Standards Enforcement Officer and North Yorkshire Police Officers that on Monday, 4 December 2023 City of York Trading Standards and North Yorkshire Police, and a specially trained tobacco

detection dog with handler, attended Slavic Foods, 47a Crichton Avenue, York. During the visit they located and seized 184 boxes of cigarettes, 58 pouches of hand rolling tobacco and 147 vapes. Cigarettes and hand rolling tobacco were found in a large shopping bag in the storeroom 1, as well as a rucksack containing one pack of cigarettes and £135 in notes (sterling), a large box of vapes were found in storeroom 2, and a bag of tobacco products and three bags of vapes were found behind the counter/till area, easily accessible to staff. A lone male was working behind the counter in the shop, he told Police Officers that his name was Police Officers established that had claimed asylum in February 2023. I am aware the normal rules for asylum claims are that applicants have to wait 12 months for the date of their claim before they can work. Police Officers took home due to him working within that 12-month period.

5. I produce a plan of the premises as Exhibit **JK/2**. The covered area identified on the plan is the main entrance to the premises, the counter area is located to left of covered area, storeroom 1 is named 'store' on the plan, storeroom 2 is named 'staff room/store' on the plan. The three purple crosses indicated where tobacco and vape produces were found; the purple tick indicates were the rucksack containing money was found.
6. I produce photographs of some of the illicit tobacco and vapes found as Exhibit **JK/3**.
7. I have been informed that Police Officers attempted to contact the premises licence holder and designated premises supervisor (DPS) Mr Akwan IRANI without success, therefore Police Officer took the premises keys to Fulford Road Police Station for the

owner to collect. I have been informed that Mr Aziz HOSSAINZADA attended the police station to collect the keys, he claimed that he had been the owner of the premises since January 2022.

14 December 2023 Visit

8. On the 14 December, I attended Slavic Foods with City of York Council Trading Standards Enforcement Officer Ellis GRIMBLEY and North Yorkshire Police Licensing Officer PC Samantha BOLLAND, to conduct a section 179 licensing inspection under the Licensing Act 2003. Upon entering the premises there was a female behind the shop counter, who passed her name as V , she produced a driver's licence to validate her name and produced her personal licence, number issued by City of York Council.
9. Ellis GRIMBLEY located some illicit vapes, they were found on a shelf behind the counter/till area. 84 vapes were seized by Ellis GRIMBLEY. I completed search booklet SB0756.
10. I produce a plan of the premises as Exhibit JK/4. The green cross indicated where the vape produces were found.
11. Alcohol was being displayed on the shelves, behind the till and in the fridge at the rear of the store. stated that she thought the business was taken over in September 2021 by Mr

12. [redacted] was informed that as she could not confirm details of the premises licence holder or DPS, no alcohol could be sold or displayed for sale in the shop. The alcohol was removed from display.
13. I [redacted] stated that she did not know how to work the CCTV. I observed PC BOLLAND operate the CCTV and discovered that the CCTV was not recording.
14. I provided [redacted] with details of how to apply for a DPS Variation.
15. The following breaches of the Premises Licence were identified:
 - a) There was no documented staff training programme.
 - b) The CCTV was not recording and not able to be produced to a responsible authority.
 - c) There was no clear, legible signage displayed informing customers to leave the premises quietly and to respect residents.
 - d) No signage was displayed to state that they operate a challenge 25 process.
16. The following breaches of the Licensing Act 2003 were identified:
 - a) The premises licence summary was not displayed.
 - b) A copy of the premises licence was not available at the premises.
17. I have seen an email logged on the council's system relating to this premises, dated the 14 December 2023 from Mr IRANI to the councils Licensing Section confirming he has not been responsible for the premises since 20 January 2002, we believe this was an error and should have stated 2022, he stated that he wanted to transfer the licence.

18. I have seen two applications logged on the council's system relating to this premises, on the 15 December 2023, the council Licensing Section received applications to transfer the premises licence into the name of Mr Aziz HOSSAINZADA and to vary the DPS into the name of Wera KALINOWSKA, the applicant stated on both applications that they wanted the transfer and DPS variation to have immediate effect.

22 February 2024 Visit

19. On the 22 February 2024, PC BOLLAND and I, reattended Slavic Foods to conduct a further section 179 licensing inspection under the Licensing Act 2003. On arrival at the premises, we observed that the door was propped open, and lights were on inside. On entering the premises, we discovered that alcohol was on display and a male sat behind the counter of the shop. I introduced myself as a City of York Council Licensing Enforcement Officer and showed him my I.D. There was no one else present in the shop. I asked the male for his name. He said "I can't, shop not open." PC BOLLAND further asked for his name in which the male replied "I can't." PC BOLLAND again asked the male for his name he replied "I can't", he refused to pass any further details. PC BOLLAND explained that she was a police officer and by law, he was required to provide his details.
20. Due to being unable to identify who the male was PC BOLLAND left the shop to request further police assistance. I remained in the shop with the male. During this time the male made a phone call on his mobile phone.
21. Approx 10 minutes later a female entered the shop, who I know to be Wera Eliza KALINOWSKA, the named DPS on the premises licence. I introduced myself to

KALINOWSKA. PC BOLLAND returned inside the shop and asked KALINOWSKA if she knew who the male was. KALINOWSKA replied, "I don't know his full name, I know his name as a nick name, I met him in town." PC BOLLAND again asked the male for his full name, again he replied, "I can't".

22. Approximately 10 minutes later North Yorkshire Police officer 731 attended the shop. PC 731 asked the male if he had any identification on him in which he replied "no." PC 731 put the male in handcuffs and escorted him out to the marked police van, where he was searched. PC BOLLAND arrested the male on suspicion of immigration offences.

23. At 10:45 I returned into Slavic Foods and asked KALINOWSKA if there was anyone else in the premises. KALINOWSKA replied "no, only us three." I had a look around the shop to see if there was anyone else, there was not. PC BOLLAND informed KALINOWSKA that a licensing inspection would be conducted.

24. PC BOLLAND asked KALINOWSKA to show us the CCTV. I could see a TV screen behind the counter hanging from the ceiling with CCTV images. I saw that the CCTV was not recording. KALINOWSKA advised that the CCTV hard drive was in the ceiling of the shop. I looked in the ceiling and saw the hard drive for the CCTV. KALINOWSKA stated, "I opened the shop at 08:30 and got a call from my husband at 09:15. I asked [redacted] to stay in the shop and not to serve anyone." PC BOLLAND asked KALINOWSKA how she knew [redacted] and she replied "I met him in town previously and he was here for a coffee".

25. I witnessed PC BOLLAND print off the sale history from the till which confirmed a sale had taken place at 09:34 on the 22 February 2024.

26. PC BOLLAND went through the licensing conditions with KALINOWSKA. KALINOWSKA provided a refusals log which I could see had been filled in. KALINOWSKA was unable to produce any staff training records. There was still no signage displayed, asking customers to respect residents when leaving the premises. I asked KALINOWSKA if there was a copy of the premises licence on the premises, to which she replied "no".

27. The following breaches of the Premises Licence, were identified:
 - a) There was no documented staff training programme.
 - b) The CCTV was not recording and not able to be produced to a responsible authority.
 - c) There was no clear, legible signage displayed informing customers to leave the premises quietly and to respect residents.
 - d) No signage was displayed to state that they operate a challenge 25 process.

28. PC BOLLAND informed KALINOWSKA that she would be requesting her to attend Fulford Rd Police Station for interview with regards to the sec 136 Licensing Act offences. PC BOLLAND informed KALINOWSKA that the shop could remain open but that they should not sell alcohol.

29. On the 12 March 2024 PC BOLLAND and I interviewed KALINOWSKA at Fulford Rd Police Station in the company of Mr KHAN, legal representative for KALINOWSKA. PC BOLLAND was handed a prewritten statement which stated KALINOWSKA

admitted the offences. KALINOWSKA was interviewed. KALINOWSKA was asked if the breaches of the premises licence had been rectified in which she replied "yes". She replied, "no comment" to the other questions asked.

26 March 2024 Visit

30. Tuesday, 26 March 2024 PC BOLLAND, Immigration officers Glyn JONES and Jayne PEEL and I attended Slavic Foods. KALINOWSKA was behind the counter. The premises licence was still not displayed, KALINOWSKA did have it on the premises and was asked to put it on display. PC BOLLAND asked KALINOWSKA to view the CCTV. The CCTV was still not recording, and KALINOWSKA was still not able to provide any staff training records.

31. The following breaches of the Premises Licence were identified:
- a) There was no documented staff training programme.
 - b) The CCTV was not recording and not able to be produced to a responsible authority.

Statement of Truth

32. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: _____

Dated: 27 June 2024

Jemma Kettlestring
Statement for City of York Council
Date: 9 July 2024

WITNESS STATEMENT OF JEMMA KETTLESTRING

1. I, Jemma Kettlestring, Licensing Enforcement Officer City of York Council make this statement in addition to my previous statement dated 27 June 2024.
2. I have been informed by the City of York Council Trading Standards Enforcement Officer that they are investigating criminal offences linked to the seizure of illicit tobacco and vape products at Slavic Foods, 47a Crichton Avenue, York.
3. Slavic Foods (York) Ltd, 47a Crichton Avenue, York, England, YO30 6EF is registered on Companies House, Company Number 13425738. Mr Aziz HOSSAINZADA is registered as the Director for this company. He was appointed Director on 20 January 2022. I produce screenshots of the information held on Companies House website as Exhibit **JK/5**.
4. I have been informed by North Yorkshire Police Licensing Officer PC Samantha BOLLAND, that following the of arrest of [redacted] on the 22 February 2024, on suspicion of immigration offences, Police Officer carried out an immigration status check with the Home Office Immigration Service, who confirmed that [redacted] had been granted permission to work on 20 February 2024. As [redacted] had permission to work, he was released by Police on the same day without charge.
5. The information provided in this witness statement is to my own knowledge, unless expressly stated otherwise.

Signed: 

Dated: 9 July 2024

STATEMENT OF WITNESS

STATEMENT OF: PC Samantha Bolland

Date: 16/05/2024

Age of Witness (if over 18 enter) : Over 18

Occupation of Witness: North Yorkshire Police Licensing Officer

Address: North Yorkshire Police, Fulford, York, YO10 4BY

This statement (consisting of 5 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I am PC 1520 Samantha Bolland, an Alcohol Licensing Officer for North Yorkshire Police and have performed this role for the last 8 years. My role involves working with statutory partners and key stakeholders to ensure the promotion of the four Licensing objectives, The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and the Protection of Children from harm, alongside compliance with the Licensing Act 2003.
2. Between the months of July 2023 and November 2023 Police received information from a variety of sources stating that SLAVIC FOODS, 47A CRICHTON AVENUE, YORK, was selling illegal cigarettes and tobacco.
3. As a result of the information and intelligence received by Police, the Neighbourhood Policing Team liaised with Trading Standards at the City of York Council, and arranged to carry out a joint visit to the premises.
4. At 1500hrs on Monday 4th December 2023, officers from the Neighbourhood Policing Team attended SLAVIC FOODS, 47A CRICHTON AVENUE, YORK in company with other Police colleagues and Trading Standards officers to conduct the joint visit, police incident number – 12230230151 refers.

5. Upon entering the shop, Officers encountered a male who was stood behind the counter, the male is now known to be [REDACTED] Trading Standards explained why officers were in attendance, and they commenced a search of the shop and the storeroom.
6. Officers spoke with [REDACTED], who stated that he had only been working in the shop that day as his friend was poorly, he claimed to know nothing about the workings of the shop, however he was serving a customer at the counter when Officers entered. He also knew how to operate and open/close the shutters on the front door.
7. Whilst speaking with [REDACTED]. Officers were made aware that an amount of foreign branded cigarettes and tobacco had been located in the back storeroom as well as a rucksack with an amount of cash within it, mainly in English £5 and £20 notes. The rucksack was located on the floor next to the foreign branded cigarettes, in plain sight, which was seized by Trading Standards.
8. Immigration were contacted and informed Officers that [REDACTED] was currently claiming asylum and that he had no right to work. Immigration advised Officers at the premises, that they would follow up enquiries regarding [REDACTED] separately and requested full details be sent through including details of his address.
9. Following it being established that [REDACTED] had no right to work in the UK, officer advised he could not remain at the premises in whilst in a working capacity. He advised officers of his home address and was escorted off the premises and taken home.
10. Officers attempted to contact the owner of Slavic Foods via mobile phone, the person listed as the owner was Mr Akwan IRANI born [REDACTED] of [REDACTED] ST PAULS MEWS, YORK. The phone appeared to be switched off when rung multiple times. Officers were also dispatched to attend IRANI's address of [REDACTED] ST PAULS MEWS. Officers attended however there were no vehicles outside the address, and no answer to knocking.
11. Once the search had been concluded, officers made attempts again to contact IRANI on his

mobile phone and his phone was still switched off. Officers located a bunch of keys and ensured that the premises were locked and secured before leaving the shop, all relevant documentation was completed and the keys were booked into police property.

12. PC Nicola Manning captured the visit on police issue body worn video.
13. On Tuesday 5th December 2023 PC Manning received an enquiry from the front counter at Fulford Road Police Station, York, from a male stating that he was the owner of Slavic Food and he was asking for the keys to the shop, which were held in the property store, at Fulford Road Police Station. As the officer was not present at Fulford, she contacted the male by phone, who identified himself to be Aziz HOSSAINZADA born : , who stated that he lived at : NEWCOMEN GREEN, MIDDLESBROUGH, TS4 2PD.
14. HOSSAINZADA stated that he was the owner of Slavic Foods and that he had bought the business from Akwan IRANI on 20th January 2022, after entering into an agreement.
15. HOSSAINZADA was asked if he had any documentation in relation to ownership of the shop, he stated he did not. HOSSAINZADA was informed that the only person the keys could be passed to legally, were IRANI, as he was shown on the Premise Licence as the current Premise Licence Holder. PC Manning verified the details of the Premise Licence Holder with PS Jackie Booth, Force Licensing Manager, who provided her a copy of the current premise licence.
16. HOSSAINZADA was asked how often he visited the shop in York as his address is in Middlesbrough, he replied stating not very often, maybe every week or so. He stated he usually has a female member of staff working for him however he could not remember her name when asked. He was asked who the male working the day before was and he stated he did not know.
17. On 14th December 2023 at approximately 0930hrs, Jemma KETTLESTRING, Ellis GRIMBLEY, both from City of York Council and myself visited the premises to conduct a S179 Inspection under the Licensing Act 2003, following on from the above visit by colleagues.
18. At this time we spoke to a female called W and she confirmed that her

employer was HOSSAINZADA. Due to concerns that the premises licence had been transferred without responsible authorities being notified and no one being able to contact the registered Premise Licence Holder, I [redacted] was advised to notify her employer immediately that it was suspected that the premises had no current Designated Premises Supervisor and until such times that responsible authorities had written notification as to who was the DPS, no alcohol could be sold or should be on display.

19. Jemma KETTLESTRING provided details of how a new application could be submitted for a DPS, and on the 15th December 2023, North Yorkshire Police received notification of transfer and DPS variation for the premises. The new DPS was listed as KALINOWSKA.
20. On Thursday 22nd February 2024 at 09:55 hours, I was on duty in plain clothes when I attended Slavic Foods, 47A Crichton Avenue, York, YO30 6EF in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, to conduct a Section 179 Licensing Inspection.
21. Upon arrival the shop door was wedged fully open and the lights and till were turned on. A male I now know to be, I [redacted] IN, DOB 1 [redacted] 9 was present and sat behind the till. I asked the male for his details to which he replied, in broken English, ' WHY, I DON'T WORK HERE'.
22. [redacted] was asked multiple times what his details were as it appeared he was working at the shop and he was the only person present on the premises. He stated that he had been asked to look after the shop until Wera, who I know to be Wera Eliza KALINOWSKA who is the Designated Premise Supervisor, returned as she was five minutes away.
23. KALINOWSKA arrived approximately 10 minutes later and stated she had received a call from her daughters school, Clifton Green and had to go. She had left the male she knew as [redacted] to look after the shop until she returned, and he was not serving customers.
24. After numerous attempts to get I [redacted] details from him and KALINSOWSKA, I then called for a marked unit to attend the premises. At 10:39 hours I arrested I [redacted] on suspicion of

illegal entry under The Immigration Act 1971, as I was not able to verify his details and he was refusing to verify who he was and I was sighted on the previous information from the visit on 14th

December 2023 referred to above and needed to verify who the male was. He was then transported to custody at Fulford Road Police Station by PC 731 SIMPSON, where his detention was authorised.

- 25.** Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. Numerous breaches of the Premise Licence conditions were identified, including:
- Condition 1 – no staff training
 - Condition 2 – CCTV was not recording any footage, there was no CCTV retention
 - Condition 5 – no quiet signs
 - Condition 7 – no proof of age identification posters
- 26.** I asked KALINOWSKI for a copy of the till receipts for the mornings transaction and there was only one recorded at 09:34 hours, at which time KALINOWSKA had stated she had not been present. I asked for a copy of the receipt, which she supplied me with. KALINOWSKA stated that must have served a customer as no-one else was present at the premises at that time.
- 27.** I then advised KALINOWSKA that she would be formally interviewed for the Section 136 offence of unauthorised Licensable activities for non-compliance with premise licence conditions and that she should inform the Premise Licence Holder.
- 28.** Jemma Kettlestring gave KALINOWSKA the details to contact City of York Council as she asked how she could stop alcohol sales if she was not present at the premises going forward. She was advised that she could advise City of York Council Licensing in writing that she wished to be removed as the Designated Premise Supervisor with immediate effect. We left the premises shortly after.
- 29.** At 10am on 12th March 2024, I interviewed KALINOWSKA at Fulford Police Station, as a voluntary attendee, in relation to the Section 136 offence of unauthorised Licensable activities for

on-compliance with premise licence conditions which were previously identified.

30. Also present were Jemma Kettlestring from City of York Council Licensing and Mr Khan, legal representative for KALINOWSKA. KALINOWSKA gave a pre-prepared statement, which I exhibit as SB/2, fully admitting Section 136 offences.

31. On 28th March 2024 KALINOWSKA attended Fulford Police Station, York, following her previous interview under caution on 12th March 2024, and was issued a simple caution, which I exhibit as SB/3, by Inspector Barnett, for Section 136 Unauthorised Licensable Activities which had taken place at 47A Crichton Ave, York, for which she was the DPS, KALINOWSKA accepted the simple caution.

PC 1520 Bolland.

pc 1520.

North Yorkshire Police
PC Samantha Bolland
Exhibit Ref: SB/1
16th May 2024

EXHIBIT

This is the **Exhibit SB/1** referred to in the statement of Samantha Bolland, dated 16th May 2024.

SLAVIC FOODS SB/1
47 A CRICHTON AVE,
CLIFTON YORK
YO30 6EF

** Duplicate Receipt **

SALE ID: 1112062
AKWAN REG POS 1
THURSDAY 22 FEBRUARY 2024 09:34 000011
1 TYMBARK APPLE/KIWI 0,25L £0.75

1 No
TOTAL £0.75
VISA CARD £0.75
SALE FINALISED, ID: 1112062
VAT NO :
=====

Thanks for your custom !

North Yorkshire Police
PC Samantha Bolland
Exhibit Ref: SB/2
16th May 2024

EXHIBIT

This is the **Exhibit SB/2** referred to in the statement of Samantha Bolland, dated 16th May 2024.

PREPARED STATEMENT

I WERAELIZA KALINOWSKA BORN [REDACTED] WILL SAY AS FOLLOWS:

- 1) IN SEPTEMBER 2021 I BEGAN MY ROLE AS A MANAGER AT SLAVKE FOODS.
- 2) MY ROLE WAS TO RUN THE STORE ON A DAILY BASIS AND TO MAKE SURE ANY STAFF AT THE STORE WERE ABLE TO DO THEIR JOB CORRECTLY.
- 3) I DID NOT MANAGE WHO WAS RECRUITED OR RESPONSIBLE FOR CHECKING THEIR PAPERWORK.
- 4) APPROXIMATELY 18 MONTHS AGO I GOT MY PERSONAL LICENCE.
- 5) IN MID DECEMBER 2023 I BEGAN MY ROLE AS A ^{DPS} ~~DBS~~.
- 6) AT THE TIME I WAS INFORMED AND INSURED THE STORE WAS COMPLIANT WITH LICENSING REQUIREMENTS.
- 7) I SUSPECT SINCE TAKING ON THE ROLE AND THE RESPONSIBILITIES OF RUNNING THE STORE ALONGSIDE ILL HEALTH THERE HAS BEEN A BREACH OF LICENSING REQUIREMENTS.
- 8) THERE HAS ALSO BEEN SOME OVERSIGHT IN MY ROLE DUE TO BEING INEXPERIENCED AT THE TIME OF THE OFFENCE.

I ADMIT I AM GUILTY OF THE ALLEGED OFFENCE.

SIGNED: [REDACTED]

DATED: 12/03/2024

North Yorkshire Police
PC Samantha Bolland
Exhibit Ref: SB/3
16th May 2024

EXHIBIT

This is the **Exhibit SB/3** referred to in the statement of Samantha Bolland, dated 16th May 2024.

SB/3
(Pg 1)



RESTRICTED

SIMPLE CAUTION

Voluntary Attendee No. **VA240000526**

A/S No.

Offender's surname **KALINOWSKA** Forename(s) **WERA** D.O.B. Male / Female

Ethnicity Code PNC: 1 16-point +1: **W09**

Address Postcode

Occupation

Details of the offence(s)

Sequential No	Offence (include a full description of the offence – this must be detailed enough to record the offence accurately on databases)
	<p>(1) Carry on unauthorised licensable activity - Licensing 2024/02/22 -- On 22/02/2024 at 47A, 47A CRICHTON AVENUE, YORK, UK YO30 6EF you carried on a licensable activity, namely the sale by retail of alcohol , from SLAVIC FOODS, 47A CRICHTON AVENUE, YORK UK YO30 6EF , otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003</p> <p>-- LEGISLATION: 'Contrary to section 136 of the Licensing Act 2003.' -- CCCJS CODE: 'LG03028' -- ACPO: '12.21.122.1' -- PNLD CODE: 'H5428' -- NO REPLY</p>

12240032564

Please read the declaration below and make sure you understand it before you sign.

- 1 I have been informed before completion of this form of my right at any time to consult and communicate with a solicitor and that free and independent legal advice is available. I have admitted to committing the offence(s) shown above. I was informed following that admission that a simple caution would be offered to me. A simple caution is not a criminal conviction, but I understand that details of the caution will be kept on police databases. A record of this simple caution will be kept; simple cautions will be entered on the Police National Computer if they have been administered for a recordable offence.
- 2 I have been informed of the evidence against me and the decision by the Police / ~~Crown~~ Prosecution Service to administer a simple caution. I understand that I do not have to accept a simple caution.
- 3 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 4 If there are any victims ~~as a result~~ of these offences, they might still take civil action against me and you might ~~give my~~ name and address to the victims so they can do this.
- 5 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.

- 6 If I apply for certain jobs, either paid or unpaid, and the organisation requires me to have a criminal records check via the Disclosure and Barring Service (DBS check), you will disclose this simple caution on a Standard or Enhanced Disclosure Certificate. (DBS checks may be requested by an employer for jobs or voluntary work where you work with vulnerable groups including children, as well as for other sensitive jobs involving a high level of trust).
- 7 If the offence I have admitted is included in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (as amended), accepting this simple caution means I may not be allowed to do certain activities which involve working with children or adults. You have told me if this is the case. I will be committing an offence if I carry out (or try to carry out) any of those activities. You will provide details of this caution to the Disclosure and Barring Service, who may consider me for inclusion in the Children's Barred List and / or the Adults Barred List which are lists kept by the Disclosure and Barring Service in reaching decisions about the suitability of persons to work with vulnerable groups.
- 8 If the offence I have admitted is a sexual offence, I understand that accepting this simple caution may mean that you will add my name to the Violent and Sex Offender Register and I will have to agree to certain conditions you explain to me. You have told me if this is the case and explained the conditions I need to agree to, and I agree to those conditions.
- 9 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).
- 10 I understand that the simple caution may not preclude a subsequent prosecution and that it will not preclude a civil action by an aggrieved party.

I have read / have had read to me the contents of this form and understand that my signature confirms that I understand the consequences of the simple caution being issued to me.

I agree to accept a simple caution for the offence(s) shown above.

Signature of person cautioned: Date 28/03/2024

Signature of appropriate adult (where applicable):

Caution administered by Rank / Job title Constable No

Station Signature: Inspector 1203

Tel.No Date 28/03/2024

ID 10 13608 . Interpreter.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B

URN

GRJ	6633	01052024	01
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Statement of: Glyn R Jones

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer

This statement (consisting of 1 (one) page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date: 01/05/2024

I am the person named above and I am employed by the Home Office as an Immigration Officer. I am currently a member of the Arrest Team, Yorkshire & Humberside Immigration Compliance and Enforcement (YHICE) based at Waterside Court, Kirkstall Road, Leeds LS4 2QB. I have been employed by the Home Office since October 2003. My position as an Immigration Officer grants me access to information held on systems that record the details of individuals who have had reason to have contact with the Home Office.

On 22nd FEBRUARY 2024 I was requested by NORTH YORKHIRE POLICE to confirm whether a male, who they had found in sole charge of SLAVIC FOODS, 47A CRICHTON AVENUE, YORK YO30 6EF on 4th DECEMBER 2023 and on 22nd FEBRUARY 2024, had permission to work. The male in question was identified as born IRAQ.

HOME OFFICE records hold the details of a N, born IRAQ and confirm that on 4th DECEMBER 2023 he did not have permission to work. HOME OFFICE records also show that on 10th MAY 2023 that Mr was issued a HOME OFFICE document in his identity stating, "NO WORK".

HOME OFFICE records also show that N, born IRAQ had been granted permission to work from 20th FEBRUARY 2024. However, HOME OFFICE records show that the HOME OFFICE document that would prove that Mr held such permission was not produced until 5th MARCH 2024.

This statement was made and completed on WEDNESDAY 1st MAY 2024 at 13:50hrs.

Signature: Signature witnessed by N/A

Witness contact details

Name of witness: Home address: Postcode:
Home telephone No: Work telephone No:
Mobile: E-mail address:
Preferred means of contact (specify details):
Best time to contact (specify details):
Gender: Date and place of birth:
Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A

I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: PRINT NAME:
Signature of parent/guardian/appropriate adult: PRINT NAME:
Address and telephone number (of parent etc.), if different from above:

Statement taken by: Office / station: Time and place statement taken:

Government Security Classification OFFICIAL SENSITIVE
Approved for Immigration Enforcement use – April 2014

Government Security Classification OFFICIAL SENSITIVE

This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: _____ Rank & Number: _____

Office: _____

Telephone: _____

Contact E-Mail: _____

Reference No: _____

The officer dealing with your case can help but may not always be available.

Giving a witness statement to the Home Office– what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline
0845 30 30 900

The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or held in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number CYC - 069000

Postal address of premises:

Slavic Foods
47A Crichton Avenue

Post town: **York**

Post code: **YO30 6EF**

Telephone number: 07475 582245

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

SUPPLY OF ALCOHOL

Monday
08:00 - 23:00

Tuesday
08:00 - 23:00

Wednesday
08:00 - 23:00

Thursday
08:00 - 23:00

Friday
08:00 - 23:00

Saturday
08:00 - 23:00

Sunday
08:00 - 23:00

The Opening Hours of the Premises

Monday 06:00 - 23:00	Tuesday 06:00 - 23:00	Wednesday 06:00 - 23:00	Thursday 06:00 - 23:00
Friday 06:00 - 23:00	Saturday 06:00 - 23:00	Sunday 06:00 - 23:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Name: Mr Aziz Hossainzada

Address: 24 Newcomen Green
Middlesbrough
TS4 2DP

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Wera Eliza Kalinowska

Address: [REDACTED]
[REDACTED]

Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC 070372

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence –
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - a) a holographic mark, or
 - b) an ultraviolet feature.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,

- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. A documented staff training programme shall be provided to all members of staff in respect of:
 - the sale of alcohol
 - age verification policy
 - conditions attached to the licence
 - permitted licensable activities
 - the licensing objectives
 - opening times of the venue.

These records will be kept for a minimum of a year and will be made available upon request by any responsible authority.

2. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include areas to where public have access.

- It will be maintained, working and recording at all times when the premises are open.
- The recordings should be of good evidential quality to be produced in court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to data protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to data protection requirements.
- Copies of the recordings will display the correct time and date of the recording.

3. Alcoholic drinks purchased in the premises may only be taken off the premises in sealed containers.

4. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti- social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

5. Clear and legible signage will be displayed asking customers to respect residents when leaving the premises, and to leave the premises and area quietly.

6. The premises shall be cleared of customers and closed by the end of opening hours.

7. Clear and legible signage relating to acceptable proof of age identification will be prominently displayed on the premises.

8. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

Annex 3 – Conditions attached after a hearing by the licensing authority

No hearing held

Annex 4 – Approved Plan

Plan Number: Signed and dated August 2021

For and on behalf of
The Corporate Director of Place

Date: 14 August 2021
15 December 2023 (Transfer & DPS Variation)

Licensing Services
Hazel Court EcoDepot
James Street
York YO10 3DS

Phone: 01904 552422
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 069000

Postal address of premises:

Slavic Foods
47A Crichton Avenue

Post town: **York**

Post code: **YO30 6EF**

Telephone number: 07475 582245

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

SUPPLY OF ALCOHOL

Monday
08:00 - 23:00

Tuesday
08:00 - 23:00

Wednesday
08:00 - 23:00

Thursday
08:00 - 23:00

Friday
08:00 - 23:00

Saturday
08:00 - 23:00

Sunday
08:00 - 23:00

The opening hours of the premises

Monday 06:00 – 23:00	Tuesday 06:00 – 23:00	Wednesday 08:00 – 23:00	Thursday 06:00 – 23:00
Friday 06:00 – 23:00	Saturday 06:00 – 23:00	Sunday 06:00 – 23:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Off the premises

Name and (registered) address of holder of premises licence:

Name: Mr Aziz Hossainzada
Address: 24 Newcomen Green
Middlesbrough
TS4 2DP

Registered number of holder, for example company number, charity number (where applicable): N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Wera Eliza Kalinowska

State whether access to the premises by children is restricted or prohibited

A challenge 25 policy will be in operation

For and on behalf of
The Corporate Director of Place
Licensing Services
Hazel Court EcoDepot
James Street
York YO10 3DS

Date: 14 August 2021
15 December 2023 (Transfer & DPS Vary)
Phone: 01904 552422
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Police Representation
Slavic Foods
47A Crichton Avenue
York
YO30 6EF



City of York
Council
Licensing Services
Hazel Court
EcoDept
James Street
York
YO10 3DS

12th August 2024

Dear Sir/Madam,

As the Force Licensing Manager for North Yorkshire Police, I am delegated on behalf of the Chief Constable to respond to all applications under the Licensing Act 2003. This representation relates to the licensed premises, Slavic Foods 47A Crichton Avenue York and for which the police deem that the premise licence holder Mr Aziz HOSSAINZADA and designated premises supervisor Wera Eliza KALINOWSKA have undermined the licensing objective Prevention of Crime and Disorder, which will be evidenced below.

Mr Aziz HOSSAINZADA has been the premises licence holder and Wera KALINOWSKA the designated premises supervisor since the 15th December 2023. The premises have licensable activities as follows: -

Supply of Alcohol (off-sales) Mon- Sun 0800-2300hrs

On four separate occasions between December 2023 and August 2024 North Yorkshire Police licensing officers have attended Slavic Foods and, on each occasion, have found that there has not been compliance with the authorisation issued by the licensing authority and breaches of the premises licence have been committed.

Both the premise licence holder and designated premises supervisor have a responsibility to ensure that when any licensable activity is undertaken there must be compliance with the premises licence conditions and the licensing objectives are upheld.

On **4th December 2023**, officers from the Neighbourhood Policing team, in company with colleagues from City of York Trading Standards attended Slavic Foods, due to concerns that the premises was selling illegal counterfeit cigarettes and tobacco, police incident 122302330151 refers.

On arrival one person was found inside the shop, located behind the till area - Trading standards officers advised ↓ the reason for the visit and began a search of the premises. During the search located behind and underneath the till was a large amount of foreign branded tobacco and cigarettes. Also located was vapes not properly branded and too strong for the UK market.

... stated he was working in the shop, covering for a friend who was ill. Immigration was contacted, and confirmed that in February 2023 ... claimed asylum with them after entering the UK illegally. They stated that he cannot work until 12 months after this date, so Feb 2024. ... was subsequently returned to his home address. Attempts were made by officers to contact the owner of the shop who due to records held with police and council licensing was Mr Akwan IRANI.

Due to officers not being able to contact the person registered as the owner of the business, the premises was secured and the keys brought to York police station, with a note for the owner to contact police.

Attending officers updated police licensing in relation to the visit and requested a follow up visit in relation to compliance with the premises licence.

On **14th December 2023**, PC Samantha Bolland, North Yorkshire Police licensing officer, in company with Jemma Kettlestring from City of York licensing and Ellis Grimbley from City of York trading standards attended Slavic Foods. Encountered at the premises at the time was a female Wera KALINOWSKA, who confirmed that she worked at the premises and that her employer was Mr HOSSAINZADA. It was explained that there were concerns that the premise licence had been transferred without responsible authorities being notified and as such the premises was operating without a current designated premises supervisor.

Section 19 of the Licensing Act 2003 states the following: -

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

1. No supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

KALINOWSKA was advised that no alcohol could be sold or on display until responsible authorities had confirmation who was undertaking the role of designated premises supervisor.

On **15th December 2023** North Yorkshire Police licensing department received notification from City of York licensing of a transfer and designated premises supervisor for Slavic Foods. The premise licence holder was named as Mr HOSSAINZADA and the DPS as Wera KALINOWSKA.

On **22nd February 2024**, PC Bolland attended Slavic Foods in company with Jemma Kettlestring licensing enforcement officer from City of York Council to conduct a Section 179 licensing inspection. Upon arrival at the premises, which was open to the public, one male who was sat behind the till was encountered. He was asked to provide his details, to which he refused. Approximately ten minutes after officers had been at the premises Wera KALINOWSKA arrived and stated that she had left the male to look after the premises whilst she went on an errand. Due to officers being unable to obtain details from either KALINOWSKA or the male about his identity he was arrested on suspicion of illegal entry under the Immigration Act 1971 and conveyed to York police station. It was established at

the police station that the male was the same male who had been encountered on the visit on 4th December 2023. Immigration was notified in respect of the matter.

In the presence of KALINOWSKA a Section 179 inspection was conducted by officers and the following breaches of the premises licence conditions identified: -

- Condition 1 – no staff training
- Condition 2 – CCTV was not recording any footage, there was no CCTV retention
- Condition 5 – no quiet signs
- Condition 7 – no proof of age identification posters

A check of the till transactions showed a transaction at 09:34hrs that day, when HASSAN had been present at the premises and KALINOWSKA had been away from the premises.

On **12th March 2024**, Wera KALINOWSKA attended York police station where she was formally interviewed under caution in relation to Section 136 offences in relation to the breaches identified on 22nd February 2024.

Section 136 -Unauthorised licensable activities

A person commits an offence if—

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation,

She provided a pre prepared statement fully admitting the section 136 offences.

On **26th March 2024** PC Bolland, Jemma Kettlestring and Glyn Jones, and Jayne Peel from Immigration attended Slavic Foods. This was to conduct a further Section 179 Inspection to ascertain if previous breaches had been rectified. Present at the time of the inspection was KALINOWSKA.

The following breaches of the premise licence conditions were identified: -

- Condition 1 – no staff training on premises
- Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

On **28th March 2024** KALINOWSKA attended York Police and was issued a simple caution in respect of the breaches identified on 22nd February 2024 (this is in line with DPP charging decisions).

On **8th August 2024** PC Bolland and Jemma Kettlestring attended Slavic Foods to conduct a Section 179 licensing inspection. Present at the premises was KALINOWSKA, the DPS. The following breaches of the premise licence conditions were identified: -

- Condition 1 – no staff training on premises
- Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

The section 182 statutory guidance states at para 4.61 the following: -

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

KALINOWSKA who is the designated premises supervisor for Slavic Foods, and the person who has the day-to-day responsibility for running the premises is failing to ensure compliance with premise licence conditions. Despite being interviewed under caution and receiving a formal police caution for Section 136 offences of unauthorised licensable activity she continues to allow the premise licence conditions to be breached.

Given the above failings the police have no confidence in KALINOWSKA to manage the premises effectively and ensure the premise licence authorisation is adhered to and the licensing objectives are upheld. It is also concerning that the premise licence holder HASSAINZADA has not taken action to ensure that persons employed at the premises have a right to work, are competent for their role (the designated premises supervisor should be able to ensure full compliance with the premise licence conditions) and has failed to address the issue.

North Yorkshire Police provide evidence to the sub-committee who are entitled to take robust, appropriate, and proportionate steps to prevent this operator from further undermining the licensing objectives, and the police would respectfully ask members to revoke the premise licence for Slavic Foods.

Enclosed documents-

Witness Statement 1 – PC Bolland

Witness Statement 2 – PC Bolland

Yours Sincerely,

J Booth

PS133 Booth
Force Licensing Manager
Alcohol Licensing Department
Fulford Road Police Station
York
YO10 4BY

Email: - Jacqueline.booth@northyorkshire.police.uk

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STATEMENT OF WITNESS

STATEMENT OF: PC Samantha Bolland

Age of Witness (if over 18 enter) : Over 18

Occupation of Witness: North Yorkshire Police Licensing Officer

Address: North Yorkshire Police, Fulford, York, YO10 4BY

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I am PC 1520 Samantha Bolland, an Alcohol Licensing Officer for North Yorkshire Police, further to my previous statement I would like to add the following, on **Tuesday 26th March 2024**, I attended Slavic Foods 47a Crichton Avenue, York, in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, Glynn Jones & Jayne Peel, Immigration Officers.

2. At this time we spoke to a female I know to be Wera Eliza KALINOWSKA, who is the Designated Premise Supervisor. KALINOWSKI was advised that following her interview at Fulford Police Station, we were conducting a Section 179 Licensing Inspection to ascertain if the previous breaches had been rectified. I asked KALINOWSKA to produce a copy of the current Premises Licence, which she did. Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. The following breaches of the Premise Licence conditions were identified:
 - Condition 1 – no staff training on premises

 - Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

3. I advised KALINOWSKA to make contact with the Premise Licence Holder as further Section 136 offences of unauthorised Licensable activities for non-compliance with premise licence conditions had been identified and had not been rectified. This contradicted what KALINOWSKA had stated in interview when asked if all breaches had been rectified to which she had stated they had.

We then left the premises.

4. On **16th April 2024**, I held a meeting with Lesley Cooke, Licensing Manager, City of York Council, and Ellis Grimbley Trading Standards, City of York Council, and updated them with details of the visit to the premises and the further breaches of Premise Licence conditions. I asked that if anyone from City of York Council made contact with the Premise Licence Holder, to make me aware, as I wanted to make contact with Mr Aziz HOSSAINZADA to update him of the actions I had taken against KALINOWSKA.

5. On **Thursday 8th August 2024** at 11:30 hours, I was on duty in plain clothes when I attended Slavic Foods, 47A Crichton Avenue, York, YO30 6EF in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, to conduct a Section 179 Licensing Inspection.

6. At this time we spoke to a female I know to be Wera Eliza KALINOWSKA, who is the current Designated Premise Supervisor. KALINOWSKI was advised of the reason for our visit. I asked KALINOWSKA to produce a copy of the current Premises Licence, which she did. Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. The following breaches of the Premise Licence conditions were identified and have been consistently in breach on each occasion the premises has been visited:
 - Condition 1 – no staff training on premises

 - Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

7. I then advised KALINOWSKA that following the breaches identified, advice would be taken as to how to take the matter forward, as the premises was subject to a review hearing on 5th September 2024. KALINOWSKA was unaware of these proceeding. I advised KALINOWSKA to make contact with the Premise Licence Holder as further Section 136 offences of unauthorised Licensable activities for non-compliance with premise licence conditions had been identified and had not been rectified.

We then left the premises.

STATEMENT OF WITNESS

STATEMENT OF: PC Samantha Bolland

Date: 16/05/2024

Age of Witness (if over 18 enter) : Over 18

Occupation of Witness: North Yorkshire Police Licensing Officer

Address: North Yorkshire Police, Fulford, York, YO10 4BY

This statement (consisting of 5 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I am PC 1520 Samantha Bolland, an Alcohol Licensing Officer for North Yorkshire Police and have performed this role for the last 8 years. My role involves working with statutory partners and key stakeholders to ensure the promotion of the four Licensing objectives, The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and the Protection of Children from harm, alongside compliance with the Licensing Act 2003.
2. Between the months of July 2023 and November 2023 Police received information from a variety of sources stating that SLAVIC FOODS, 47A CRICHTON AVENUE, YORK, was selling illegal cigarettes and tobacco.
3. As a result of the information and intelligence received by Police, the Neighbourhood Policing Team liaised with Trading Standards at the City of York Council, and arranged to carry out a joint visit to the premises.
4. At 1500hrs on Monday 4th December 2023, officers from the Neighbourhood Policing Team attended SLAVIC FOODS, 47A CRICHTON AVENUE, YORK in company with other Police colleagues and Trading Standards officers to conduct the joint visit, police incident number – 12230230151 refers.

5. Upon entering the shop, Officers encountered a male who was stood behind the counter, the male is now known to be [REDACTED] AN born [REDACTED] Trading Standards explained why officers were in attendance, and they commenced a search of the shop and the storeroom.
6. Officers spoke with [REDACTED] who stated that he had only been working in the shop that day as his friend was poorly, he claimed to know nothing about the workings of the shop, however he was serving a customer at the counter when Officers entered. He also knew how to operate and open/close the shutters on the front door.
7. Whilst speaking with [REDACTED] Officers were made aware that an amount of foreign branded cigarettes and tobacco had been located in the back storeroom as well as a rucksack with an amount of cash within it, mainly in English £5 and £20 notes. The rucksack was located on the floor [REDACTED] next to the foreign branded cigarettes, in plain sight, which was seized by Trading Standards.
8. Immigration were contacted and informed Officers that [REDACTED] was currently claiming asylum and that he had no right to work. Immigration advised Officers at the premises, that they would follow up enquiries regarding [REDACTED] separately and requested full details be sent through including details of his address.
9. Following it being established that [REDACTED] had no right to work in the UK, officer advised he could not remain at the premises in whilst in a working capacity. He advised officers of his home address and was escorted off the premises and taken home.
10. Officers attempted to contact the owner of Slavic Foods via mobile phone, the person listed as the owner was Mr Akwan IRANI born [REDACTED] of [REDACTED] ST PAULS MEWS, YORK. The phone appeared to be switched off when rung multiple times. Officers were also dispatched to attend IRANI's address of [REDACTED] ST PAULS MEWS. Officers attended however there were no vehicles outside the address, and no answer to knocking.
11. Once the search had been concluded, officers made attempts again to contact IRANI on his

mobile phone and his phone was still switched off. Officers located a bunch of keys and ensured that the premises were locked and secured before leaving the shop, all relevant documentation was completed and the keys were booked into police property.

12. PC Nicola Manning captured the visit on police issue body worn video.

13. On Tuesday 5th December 2023 PC Manning received an enquiry from the front counter at Fulford Road Police Station, York, from a male stating that he was the owner of Slavic Food and he was asking for the keys to the shop, which were held in the property store, at Fulford Road Police Station. As the officer was not present at Fulford, she contacted the male by phone, who identified himself to be Aziz HOSSAINZADA born [REDACTED], who stated that he lived at [REDACTED] NEWCOMEN GREEN, MIDDLESBROUGH, TS4 2PD.

14. HOSSAINZADA stated that he was the owner of Slavic Foods and that he had bought the business from Akwan IRANI on 20th January 2022, after entering into an agreement.

15. HOSSAINZADA was asked if he had any documentation in relation to ownership of the shop, he stated he did not. HOSSAINZADA was informed that the only person the keys could be passed to legally, were IRANI, as he was shown on the Premise Licence as the current Premise Licence Holder. PC Manning verified the details of the Premise Licence Holder with PS Jackie Booth, Force Licensing Manager, who provided her a copy of the current premise licence.

16. HOSSAINZADA was asked how often he visited the shop in York as his address is in Middlesbrough, he replied stating not very often, maybe every week or so. He stated he usually has a female member of staff working for him however he could not remember her name when asked. He was asked who the male working the day before was and he stated he did not know.

17. On 14th December 2023 at approximately 0930hrs, Jemma KETTLESTRING, Ellis GRIMBLEY, both from City of York Council and myself visited the premises to conduct a S179 Inspection under the Licensing Act 2003, following on from the above visit by colleagues.

18. At this time we spoke to a female called Wera Eliza KALINOWSKA and she confirmed that her

employer was HOSSAINZADA. Due to concerns that the premises licence had been transferred without responsible authorities being notified and no one being able to contact the registered Premise Licence Holder, KALINOWSKA was advised to notify her employer immediately that it was suspected that the premises had no current Designated Premises Supervisor and until such times that responsible authorities had written notification as to who was the DPS, no alcohol could be sold or should be on display.

19. Jemma KETTLESTRING provided details of how a new application could be submitted for a DPS, and on the 15th December 2023, North Yorkshire Police received notification of transfer and DPS variation for the premises. The new DPS was listed as KALINOWSKA.
20. On Thursday 22nd February 2024 at 09:55 hours, I was on duty in plain clothes when I attended Slavic Foods, 47A Crichton Avenue, York, YO30 6EF in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, to conduct a Section 179 Licensing Inspection.
21. Upon arrival the shop door was wedged fully open and the lights and till were turned on. A male I now know to be, [redacted], DOB [redacted] was present and sat behind the till. I asked the male for his details to which he replied, in broken English, ' WHY, I DON'T WORK HERE'.
22. [redacted] was asked multiple times what his details were as it appeared he was working at the shop and he was the only person present on the premises. He stated that he had been asked to look after the shop until Wera, who I know to be Wera Eliza KALINOWSKA who is the Designated Premise Supervisor, returned as she was five minutes away.
23. KALINOWSKA arrived approximately 10 minutes later and stated she had received a call from her daughters school, Clifton Green and had to go. She had left the male she knew as [redacted], to look after the shop until she returned, and he was not serving customers.
24. After numerous attempts to get [redacted] details from him and KALINSOWSKA, I then called for a marked unit to attend the premises. At 10:39 hours I arrested [redacted] in suspicion of

illegal entry under The Immigration Act 1971, as I was not able to verify his details and he was refusing to verify who he was and I was sighted on the previous information from the visit on 14th

December 2023 referred to above and needed to verify who the male was. He was then transported to custody at Fulford Road Police Station by PC 731 SIMPSON, where his detention was authorised.

25. Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. Numerous breaches of the Premise Licence conditions were identified, including:
- Condition 1 – no staff training
 - Condition 2 – CCTV was not recording any footage, there was no CCTV retention
 - Condition 5 – no quiet signs
 - Condition 7 – no proof of age identification posters
26. I asked KALINOWSKI for a copy of the till receipts for the mornings transaction and there was only one recorded at 09:34 hours, at which time KALINOWSKA had stated she had not been present. I asked for a copy of the receipt, which she supplied me with. KALINOWSKA stated that must have served a customer as no-one else was present at the premises at that time.
27. I then advised KALINOWSKA that she would be formally interviewed for the Section 136 offence of unauthorised Licensable activities for non-compliance with premise licence conditions and that she should inform the Premise Licence Holder.
28. Jemma Kettlestring gave KALINOWSKA the details to contact City of York Council as she asked how she could stop alcohol sales if she was not present at the premises going forward. She was advised that she could advise City of York Council Licensing in writing that she wished to be removed as the Designated Premise Supervisor with immediate effect.
- We left the premises shortly after.
29. At 10am on 12th March 2024, I interviewed KALINOWSKA at Fulford Police Station, as a voluntary attendee, in relation to the Section 136 offence of unauthorised Licensable activities for

on-compliance with premise licence conditions which were previously identified.

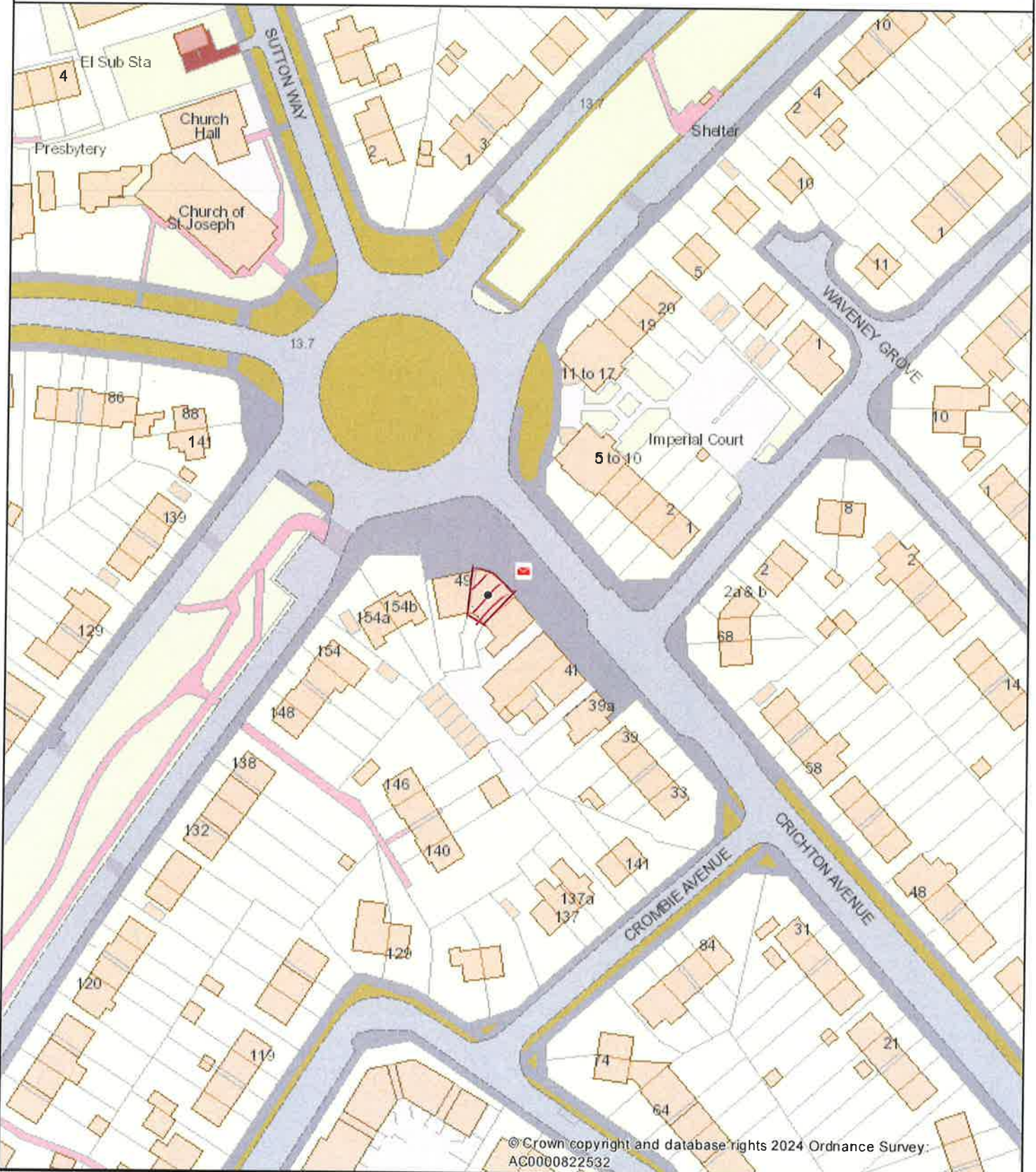
30. Also present were Jemma Kettlestring from City of York Council Licensing and Mr Khan, legal representative for KALINOWSKA. KALINOWSKA gave a pre-prepared statement, which I exhibit as SB/2, fully admitting Section 136 offences.

31. On 28th March 2024 KALINOWSKA attended Fulford Police Station, York, following her previous interview under caution on 12th March 2024, and was issued a simple caution, which I exhibit as SB/3, by Inspector Barnett, for Section 136 Unauthorised Licensable Activities which had taken place at 47A Crichton Ave, York, for which she was the DPS, KALINOWSKA accepted the simple caution.

PC 1520 Bolland.

PC 1520.

Map of area



Date: 12 Jul 2024

Author: City of York Council

Scale: 1:1,250



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Legislation and Policy Considerations**Review of Premises Licence**

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s51 Application for review of premises licence; s52 Determination of application for review; s53 Supplementary provision about review.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertising of reviews.
3. The following provisions of the Secretary of State's guidance apply to this application: Chapter 10 Conditions attached to premises licences and club premises certificates and Chapter 11 Reviews.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 8.0 Licensing Hours; 11.0 Review of licences.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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of the Local Government Act 1972.

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